



Número: **0601332-75.2022.6.00.0000**

Classe: **REPRESENTAÇÃO**

Órgão julgador colegiado: **Colegiado do Tribunal Superior Eleitoral**

Órgão julgador: **Juíza Auxiliar - Ministra Cármen Lúcia**

Última distribuição : **01/10/2022**

Valor da causa: **R\$ 0,00**

Assuntos: **Cargo - Presidente da República, Propaganda Política - Propaganda Eleitoral - Internet, Propaganda Política - Propaganda Eleitoral - Divulgação de Notícia Sabidamente Falsa**

Segredo de justiça? **NÃO**

Justiça gratuita? **NÃO**

Pedido de liminar ou antecipação de tutela? **SIM**

Partes	Procurador/Terceiro vinculado
COLIGAÇÃO BRASIL DA ESPERANÇA (REPRESENTANTE)	MARIA EDUARDA PRAXEDES SILVA (ADVOGADO) MIGUEL FILIPI PIMENTEL NOVAES (ADVOGADO) MARCELO WINCH SCHMIDT (ADVOGADO) MARIA DE LOURDES LOPES (ADVOGADO) ANGELO LONGO FERRARO (ADVOGADO) VALESKA TEIXEIRA ZANIN MARTINS (ADVOGADO) EUGENIO JOSE GUILHERME DE ARAGAO (ADVOGADO) CRISTIANO ZANIN MARTINS (ADVOGADO) ROBERTA NAYARA PEREIRA ALEXANDRE (ADVOGADO)
JAIR MESSIAS BOLSONARO (REPRESENTADO)	MARINA ALMEIDA MORAIS (ADVOGADO) ADEMAR APARECIDO DA COSTA FILHO (ADVOGADO) MARINA FURLAN RIBEIRO BARBOSA NETTO (ADVOGADO) EDUARDO AUGUSTO VIEIRA DE CARVALHO (ADVOGADO) TARCISIO VIEIRA DE CARVALHO NETO (ADVOGADO)
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EDUARDO NANTES BOLSONARO (REPRESENTADO)	
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RADIO PANAMERICANA S A (REPRESENTADO)	
SILVIO NAVARRO PEREJON JUNIOR (REPRESENTADO)	
MILTON NEVES FILHO (REPRESENTADO)	
CLAUDIO DANTAS SEQUEIRA (REPRESENTADO)	
BEATRIZ KICIS TORRENTS DE SORDI (REPRESENTADO)	
PAULO EDUARDO LIMA MARTINS (REPRESENTADO)	
CARLA ZAMBELLI SALGADO (REPRESENTADO)	
LEANDRO PANAZZOLO RUSCHEL (REPRESENTADO)	
BARBARA ZAMBALDI DESTEFANI (REPRESENTADO)	
GUSTAVO GAYER MACHADO DE ARAUJO (REPRESENTADO)	
ADRILLES REIS JORGE (REPRESENTADO)	
FLAVIA FERRONATO (REPRESENTADO)	
J P TOLENTINO FILHO - ME (REPRESENTADO)	

MICARLA ROCHA DA SILVA MELO (REPRESENTADA)			
Procurador Geral Eleitoral (FISCAL DA LEI)			
Documentos			
Id.	Data da Assinatura	Documento	Tipo
15818 0348	02/10/2022 17:34	EC92 - Petição informando cumprimento	Petição (3º Interessado)

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Excelentíssimo Senhor Ministro ALEXANDRE DE MORAES, Ilustre Integrante do Egrégio
Tribunal Superior Eleitoral

Representação nº 0601332-75.2022.6.00.0000

TWITTER BRASIL REDE DE INFORMAÇÃO LTDA., sociedade limitada, inscrita no CNPJ sob nº 16.954.565/0001-48, com sede na Cidade de São Paulo, Estado de São Paulo, na Avenida Brigadeiro Faria Lima, 4.221, 9º andar (“TWITTER BRASIL”), por seus advogados (Docs. nºs. 1 e 2), nos autos da **representação eleitoral** movida pela **Coligação Brasil da Esperança** (“Representante”), **na qual figura como terceiro interessado**, vem, respeitosamente, em atenção às r. decisões de Id. 158174677 e 158177541, expor e requerer o quanto segue.

1. De início, cumpre esclarecer que o Twitter é uma plataforma virtual de informação de uso gratuito, alimentada exclusivamente pelos usuários, que permite o compartilhamento em tempo real de Tweets sobre assuntos variados, isto é, mensagens contendo imagens, vídeos, *links* e textos de até 280 (duzentos e oitenta) caracteres.



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2. A plataforma Twitter é operada e provida pelas empresas Twitter Inc. e Twitter International Company (“Operadoras do Twitter”). Os usuários localizados nos Estados Unidos e em qualquer outro país fora da União Europeia ou do Espaço Econômico Europeu (inclusive no Brasil) contratam com a empresa norte-americana Twitter Inc., ao passo em que os usuários localizados em outros países contratam com a empresa irlandesa Twitter International Company.

3. Como condição para utilizar essa plataforma virtual de informação, o usuário deve criar uma conta por meio do site “www.twitter.com”, mediante aceitação dos Termos do Serviço¹ e da Política de Privacidade², que constituem os contratos que regem o uso da ferramenta, estabelecendo direitos e obrigações para ambas as partes.

4. O TWITTER BRASIL, por sua vez, é empresa dotada de personalidade jurídica própria, autônoma e independente das Operadoras do Twitter, não possuindo qualquer relação com a gestão, operacionalização e administração do site “www.twitter.com”, de forma que não dispõe de meios técnicos ou jurídicos para intervir no gerenciamento dos dados dos usuários. Não obstante tal fato, o TWITTER BRASIL e as Operadoras do Twitter atuam em regime de cooperação em relação ao cumprimento de ordens judiciais.

5. Nesse sentido, o TWITTER BRASIL tem, com frequência, removido conteúdos e fornecido informações e dados sigilosos de usuários do Twitter no âmbito de processos judiciais, investigações policiais e procedimentos administrativos, **em fiel observância à legislação brasileira**. Essa postura do TWITTER BRASIL decorre do compromisso com a legislação brasileira e o respeito às ordens legais e requisições administrativas que lhe são destinadas.

6. No presente caso, por meio da r. decisão de Id. 158174677, Vossa Excelência deferiu parcialmente o pedido de tutela de urgência, nos seguintes termos:

Ante o exposto, DEFIRO A LIMINAR, para:

i) DETERMINAR aos Representados - Portal O Antagonista, Jair Messias Bolsonaro, Flávio Nantes Bolsonaro, Eduardo Nantes Bolsonaro, Kim George Borja Paim, Rádio

¹ <https://twitter.com/tos>.

² <https://twitter.com/privacy>.



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Panamericana S.A. (Rádio Jovem Pan – Jovem Pan News), J. Pinheiro Tolentino Filho Eireli - Jonal da Cidade On-Line, Silvou Navarro Perejon Júnior, Terra Brasil Notícias, Milton Neves Filho, Cláudio Dantas Sequeira, Beatriz Kicis Torrents de Sordi, Paulo Eduardo Lima Martins, Carla Zambelli Salgado, Leandro Panazollo Ruschell, Barbara Zambaldi Destefani, Gustavo Gayer Machado de Araújo, Adrilles Reis Jorge e Flavia Ferronato – A IMEDIATA REMOÇÃO DO CONTEÚDO objeto desta ação, sob pena de multa diária de R\$ 100.000,00 (cem mil reais), encontrados nos links explicitados no ID 158175233.

ii) DETERMINAR A ABSTENÇÃO DOS REPRESENTADOS NA REALIZAÇÃO DE NOVAS POSTAGENS OU NOVOS COMPARTILHAMENTOS DO CONTEÚDO OBJETO DA REPRESENTAÇÃO, sob pena de multa de R\$ 15.000,00.

7. Em complementação, a r. decisão de Id. nº 158177541, Vossa Excelência determinou a intimação *“das plataformas das redes sociais Twitter e Youtube para remoção imediata das publicações impugnadas, sob pena da aplicação da multa diária já fixada na decisão.”*

8. **Tão logo intimado da r. decisão, o TWITTER BRASIL imediatamente comunicou as Operadoras do Twitter sobre o seu teor. E, em estrito, tempestivo e integral cumprimento à ordem judicial proferida por Vossa Excelência, as Operadoras do Twitter providenciaram a indisponibilização do conteúdo das URLs, conforme se verifica da tentativa de acesso a elas (Doc. nº 3 a 314):**

<https://twitter.com/carteiroreaca/status/1576334534458896385>
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<https://twitter.com/GabrielAlmeya/status/1576336421429776385>
<https://twitter.com/ThiagoAguiarde6/status/1576336362185191425>
<https://twitter.com/Focusmodas/status/1576336336541188096>
<https://twitter.com/GabrielAlmeya/status/1576336310872473600>
https://twitter.com/carlos_feix/status/1576336187471458304
<https://twitter.com/Focusmodas/status/1576336114683588609>
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<https://twitter.com/ThiagoAguiarde6/status/1576336076217913344>
<https://twitter.com/ageumt/status/1576336071331549184>
<https://twitter.com/lanadiniz456/status/1576336058727694337>
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<https://twitter.com/felipecmendes83/status/1576336016973045760>
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<https://twitter.com/DaviPer38812310/status/1576335823766970368>
<https://twitter.com/VanessaGalanti1/status/1576335707089489920>
<https://twitter.com/nnunesjr/status/1576335674952667136>
<https://twitter.com/RafinhaSalles/status/1576335611153113089>
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<https://twitter.com/gtbsaraiva/status/1576335525304471553>
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<https://twitter.com/ThiagoAguiarde6/status/1576335478562791424>
<https://twitter.com/ageumt/status/1576335430601289728>
https://twitter.com/Marcell_rs/status/1576335403061510146
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<https://twitter.com/ThiagoAguiarde6/status/1576335109875466240>
<https://twitter.com/Jorgees70/status/1576335108239261696>
https://twitter.com/Marqui_78/status/1576335040732368896
<https://twitter.com/ronaldoliveira2/status/1576335018305150976>
https://twitter.com/Patifaria_/status/1576335012982820865
https://twitter.com/J_LuisMonteiro/status/1576334964383440896
<https://twitter.com/netomario317/status/1576334952479670272>
<https://twitter.com/OGaicho1/status/1576334936746774528>
<https://twitter.com/nnunesjr/status/1576334818266075136>
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<https://twitter.com/ThiagoAguiarde6/status/1576334794476367872>
<https://twitter.com/ThiagoAguiarde6/status/1576334688477933568>
<https://twitter.com/clveras/status/1576334684245884930>
<https://twitter.com/eliascarla/status/1576334664725192704>
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<https://twitter.com/BscTecnologia/status/1576334570269847552>
<https://twitter.com/nnunesjr/status/1576334553299709953>
<https://twitter.com/CristianoBelar3/status/157633454222200834>
<https://twitter.com/AntonioSous/status/1576334520231415809>
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<https://twitter.com/DireitoDaOrla/status/1576334399167397888>



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<https://twitter.com/AguiarAbati/status/1576334367554957312>
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<https://twitter.com/OGaicho1/status/1576334242795384832>
<https://twitter.com/LindemLagarto/status/1576334242652774400>
https://twitter.com/Prof_Vinicius/status/1576334131411431424
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<https://twitter.com/janderlayson/status/1576333894752022528>
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<https://twitter.com/asantos78811052/status/1576333847058227203>
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<https://twitter.com/VanessaGalanti1/status/1576333011007594496>
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<https://twitter.com/ManellaMarcelo/status/1576332758401843201>
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https://twitter.com/DiegoRJ_00/status/1576332712905912320
https://twitter.com/DiegoRJ_00/status/1576332642277941248
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https://twitter.com/DiegoRJ_00/status/1576332404540968960
https://twitter.com/DiegoRJ_00/status/1576332355236950016
https://twitter.com/DiegoRJ_00/status/1576332244750172161
https://twitter.com/Claudio_CoelhoJ/status/1576332212277952512
https://twitter.com/DiegoRJ_00/status/1576332197443010561
<https://twitter.com/AguiarAbati/status/1576332179814031360>
https://twitter.com/DiegoRJ_00/status/1576332140924411904
<https://twitter.com/LucasPatrio/status/1576332115007852544>
<https://twitter.com/Joo87379978/status/1576332081592143873>
https://twitter.com/DiegoRJ_00/status/1576332075052908544
https://twitter.com/DiegoRJ_00/status/1576331996384460801
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https://twitter.com/DiegoRJ_00/status/1576331912641400832
https://twitter.com/tche_taura/status/1576331868034605056
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<https://twitter.com/znlira/status/1576331069737299968>



PINHEIRONETO
A D V O G A D O S

https://twitter.com/tche_taura/status/1576330992625016833
<https://twitter.com/MichaelloFerra1/status/1576330845400444928>
<https://twitter.com/brunoffgomes/status/1576330796780388352>
<https://twitter.com/Niele7813/status/1576330556975054854>
<https://twitter.com/netomario317/status/1576329552556478464>
<https://twitter.com/netomario317/status/1576329365037936640>
https://twitter.com/roberto_f9/status/1576329283957534720

9. Com relação às demais URLs, o TWITTER BRASIL foi informado pelas Operadoras do Twitter que os conteúdos reputados irregulares que se encontravam disponíveis nas URLs descritas abaixo **já haviam sido removidos por iniciativa dos próprios usuários**, conforme se verifica da tentativa de acesso aos referidos conteúdos (**Doc. nº 315 a 345**):

<https://twitter.com/claudioedantas/status/1576329183067656194>
https://twitter.com/o_antagonista/status/1576329433434423297
<https://twitter.com/FlavioBolsonaro/status/1576330191764267008?s=20&t=53QAwIn5uhq2c4MToeApHA>
<https://twitter.com/Leobarros0001/status/1576330861443575809>
<https://twitter.com/TerraBrasilnot/status/1576332274982965250>
https://twitter.com/kimpaim/status/1576332429941297152?s=20&t=kXD0NsAl4aRj7_dvwfK23w
<https://twitter.com/taoquei1/status/1576334054768619520>
<https://twitter.com/Leobarros0001/status/1576334825694277632>
<https://twitter.com/Rick87848827/status/1576335018473160704>
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<https://twitter.com/Miltonneves/status/1576335666484457472>
<https://twitter.com/opaulomm/status/1576338383491637248>
<https://twitter.com/lferronato/status/1576344901922729984>
<https://twitter.com/leandroruschel/status/1576347733459234817>
https://twitter.com/silvionavarro/status/1576348225048522752?s=20&t=kXD0NsAl4aRj7_dvwfK23w
<https://twitter.com/AdrillesRJorge/status/1576356329501122561>
<https://twitter.com/Rick87848827/status/1576335716107550721>
<https://twitter.com/davidsambarros/status/1576336595791532032>
<https://twitter.com/Leobarros0001/status/1576335784679915520>
<https://twitter.com/Leobarros0001/status/1576332660980715521>
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<https://twitter.com/Leobarros0001/status/1576330531662274562>



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<https://twitter.com/JuarezSantanaBr/status/1576331133221945345>

<https://twitter.com/JuarezSantanaBr/status/1576330923796500480>

10. Diante disso, o TWITTER BRASIL respeitosamente requer a Vossa Excelência que seja reconhecido o **integral** cumprimento das r. decisões de Id. 158174677 e 158177541.

11. Tendo em vista que a r. decisão de Id nº 158174677 menciona a remoção do “*conteúdo objeto desta ação*” e a r. decisão de id. 158177541 fala em “*remoção imediata das publicações impugnadas*”, foram consideradas as URLs mencionadas na inicial e aquelas referidas no ANEXO I da petição inicial (Id. nº 158175230). Caso seja outro o escopo do quanto deferido, requer seja esclarecido ao final.

12. No que diz respeito a conteúdos públicos por usuários já identificados pela Representante, tendo sido inclusive incluídos no polo passivo da presente representação, o TWITTER BRASIL registra que o próprio usuário do Twitter possui plenas condições de realizar a remoção de conteúdos publicados em suas respectivas contas.

13. Por fim, com fundamento no artigo 272, § 5º, do Código de Processo Civil e artigo 12, § 6º, da Resolução TSE nº 23.608/2019³, o TWITTER BRASIL requer que todas as publicações na imprensa oficial sejam feitas **exclusiva e conjuntamente em nome dos signatários da presente**, sob pena de nulidade.

Termos em que, pede deferimento.

São Paulo, 2 de outubro de 2022.

André Zonaro Giacchetta

OAB/SP nº 147.702

Carolina Portella Izay

OAB/SP nº 444.848

³ Art. 12. No período previsto no art. 11, caput, as intimações das partes nas representações fundadas no art. 96 da Lei nº 9.504/1997, nas reclamações e nos pedidos de direito de resposta serão realizadas pelo mural eletrônico, fixando-se o termo inicial do prazo na data de publicação. (Vide, para as Eleições de 2020, art. 8º, inciso IV, da Resolução nº 23.624/2020) (...)

§ 6º As intimações realizadas por mural eletrônico: (...)

b) devem conter a identificação das partes e do processo e, quando constituídos, dos advogados.

